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DATE FILED: 10/25/2023

October 25, 2023

MEMO ENDORSED

Marc P. Misthal

Principal

mmisthal@grr.com

VIA ECF

Hon. Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2550
New York, NY 10007

Re: *Apparatus LLC v. Wayfair LLC*
Civil Action No. 1:23-cv-06991-CM-BCM
Consent Request for Extension and Adjournment

10/25/2023
Let's put away the
30 days
and hope you
reach a
settlement
on

To the Honorable Judge McMahon:

We are counsel to Apparatus LLC, the Plaintiff in the above-captioned matter. As the Court is aware, pursuant to the Court's September 6, 2023 Order Scheduling an Initial Pretrial Conference (D.E. 9), as modified by the Court's September 25, 2023 Order (D.E. 11), the parties are to submit a Civil Case Management Plan on or before November 1, 2023, and are set to appear before the Court for an initial conference on November 16, 2023 at 11:30 am.

The parties have exchanged drafts of a settlement agreement, are currently negotiating the final terms of settlement, and believe that they will be able to reach a resolution in the near future. Accordingly, pursuant to Section I(D) of the Court's Individual Practices and Procedures we write, with the consent of Defendant Wayfair LLC, who has yet to appear in this case, to respectfully request a 30-day extension of the parties' deadline to submit a Civil Case Management Plan from November 1, 2023 to December 1, 2023. With December 16, 2023 falling on a Saturday, the parties also respectfully request that the Court adjourn the initial conference to a date agreeable to the Court on or after December 18, 2023.

This is the parties' second request to extend the deadline to submit a Civil Case Management Plan. The parties' first request was granted. This is the parties' first request to adjourn the initial conference. The parties do not believe that the requested extension and adjournment will affect any other dates, as the Court has not yet issued a Scheduling Order.



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Favorable consideration is requested.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

S/ Marc P. Misthal _____

Marc P. Misthal
Patrick B. Monahan

MPM/pbm

cc: Michael Licker, Esq. of Wayfair LLC (via email)